

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

|                                      |                      |
|--------------------------------------|----------------------|
| In the Matter of the Application of) |                      |
| STARLINK SERVICES, LLC               | DOCKET NO. 2021-0001 |
| For Designation as an Eligible       |                      |
| Telecommunications Carrier for       |                      |
| Purposes of Receiving Rural          |                      |
| Digital Opportunities Fund Support.) |                      |
| _____)                               |                      |

ORDER NO. 37676

SUSPENDING THE DOCKET

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| For Designation as an Eligible       | ORDER NO. <b>37676</b> |
| Telecommunications Carrier for       |                        |
| Purposes of Receiving Rural          |                        |
| Digital Opportunities Fund Support.) |                        |
| _____)                               |                        |

SUSPENDING THE DOCKET

By this Order, the State of Hawaii Public Utilities Commission ("Commission"), on its own motion, suspends proceedings in this docket, until after such time that STARLINK SERVICES, LLC ("Starlink" or "Applicant") has applied for, and has obtained, the appropriate certification to provide telecommunications service in the State of Hawaii ("State"), pursuant to Hawaii Administrative Rules ("HAR") § 6-80-17.<sup>1</sup>

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<sup>1</sup>Pursuant to Hawaii Revised Statutes ("HRS") § 269-7.5(a), no public utility shall commence its business without first having obtained from the Commission a certificate of public convenience and necessity ("CPCN"). On June 3, 1996, HAR Chapter 6-80 took effect and, among other things, replaced the CPCN with: a Certificate of Registration ("COR") for telecommunications carriers providing commercial mobile radio service ("CMRS"); and a Certificate of Authority ("COA") for telecommunications carriers providing telecommunications services other than CMRS.

I.

BACKGROUND

On January 4, 2021, Applicant filed an application, requesting that the Commission designate Applicant as an Eligible Telecommunications Carrier ("ETC").<sup>2</sup>

According to the Application, Space Exploration Technologies Corp. ("SpaceX") was selected by the Federal Communications Commission ("FCC") as a winning bidder in the Rural Digital Opportunity Fund ("RDOF") auction to provide satellite broadband and Voice over Internet Protocol ("VoIP") service in specific census blocks in Hawaii. Pursuant to FCC procedures, SpaceX, on December 22, 2020, assigned its winning bids to its wholly-owned subsidiary, Starlink. Thereafter,

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HAR Chapter 6-80 establishes procedures for requesting and issuing a COR and a COA. Specifically, HAR § 6-80-17 requires any person, other than the incumbent telecommunications carrier, seeking to offer, initiate, or provide intrastate telecommunications service, to apply in writing to the Commission for a COA or a COR.

<sup>2</sup>"Application of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support; Request for Expedited Consideration; and Exhibits 1 and 2," filed on January 4, 2021. On January 12, 2021, Applicant amended its application by filing a Department of Commerce and Consumer Affairs Certificate of Authority ("DCCA COA") to transact business in the State as a foreign limited liability company, effective December 29, 2020. Starlink's application filed on January 4, 2021, and Starlink's DCCA COA are, hereafter, collectively referred to as Applicant's "Application."

Starlink filed its Application with the Commission, pursuant to RDOF requirements.<sup>3</sup>

On January 22, 2021, the DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this docket,<sup>4</sup> filed its Preliminary Statement of Position ("PSOP"). Importantly, the Consumer Advocate noted that Applicant's request for designation as an ETC "is premature."<sup>5</sup>

## II.

### DISCUSSION

The Commission has held that it "shall not designate any telecommunications carrier as an ETC unless it first obtains the appropriate certificate pursuant to HAR § 6-80-17 to provide telecommunications service in [the State]."<sup>6</sup>

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<sup>3</sup>See Application at 1.

<sup>4</sup>See HRS § 269-51 and HAR § 16-601-62. No other persons timely moved to intervene or participate in this docket. Thus, the Parties to this docket are Applicant and the Consumer Advocate.

<sup>5</sup>Consumer Advocate PSOP at 1.

<sup>6</sup>In re Pa Makani LLC, dba Sandwich Isles Wireless, Docket No. 2011-0145, "Order Suspending Docket," filed on August 1, 2011 ("Pa Makani Order") at 7-8. The Commission noted that if a carrier is not yet certified to offer telecommunications services in the State, the Commission cannot find that the carrier is qualified or able to be an ETC therein. Pa Makani Order at 8.

Applicant, by its Application, seeks designation as an ETC.

Applicant proposes to provide VoIP services in Hawaii.<sup>7</sup>

VoIP is a technology that allows an individual to make voice calls using a broadband Internet connection instead of a regular (or analog) phone line.<sup>8</sup> VoIP is a form of telecommunications services.<sup>9</sup>

Applicant has not yet obtained the appropriate certification to provide telecommunications service in the State (i.e., either a COA or a COR), pursuant to HAR § 6-80-17.

For the foregoing reasons, the Commission suspends this docket until after such time that Starlink has applied for, and has obtained, the appropriate certification to provide telecommunications service in the State, pursuant to HAR § 6-80-17.

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<sup>7</sup>Application at 1 and 10.

<sup>8</sup><https://www.fcc.gov/general/voice-over-internet-protocol-voip> (last visited on February 16, 2021).

<sup>9</sup>Pursuant to HRS § 269-1, "telecommunications service" or "telecommunications" refers to the offering of transmission between or among points specified by a user, of information of the user's choosing, including voice, data, image, graphics, and video without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, or other similarly capable means of transmission, with or without benefit of any closed transmission medium, and does not include cable service as defined in section 440G-3.

III.

ORDER

THE COMMISSION ORDERS that this docket is suspended until after such time that Starlink has applied for, and has obtained, the appropriate certification to provide telecommunications service in the State, pursuant to HAR § 6-80-17.

DONE at Honolulu, Hawaii MARCH 15, 2021.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By James P. Griffin  
James P. Griffin, Chair

By Jennifer M. Potter  
Jennifer M. Potter, Commissioner

By Leodoloff R. Asuncion, Jr.  
Leodoloff R. Asuncion, Jr., Commissioner

APPROVED AS TO FORM:

Melissa M. Mash  
Melissa M. Mash  
Commission Counsel

2021-0001.ljk

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's Electronic Distribution List.

FILED

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PUBLIC UTILITIES  
COMMISSION

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